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*Rimini Street, Inc., and Seth Ravin*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;  
and ORACLE INTERNATIONAL  
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC. , a Nevada corporation;  
SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-0106-LRH-PAL

**DEFENDANTS' MOTION FOR  
LEAVE TO FILE UNDER SEAL  
PORTIONS OF DEFENDANTS'  
MOTION TO PRECLUDE CERTAIN  
DAMAGES EVIDENCE, OR, IN THE  
ALTERNATIVE, TO  
CONSOLIDATE, AND EXHIBIT M  
TO THE SAME**

Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on May 21, 2010 (*See* Dkt. 55, "Protective Order"), Local Rule 10-5(b) and Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Defendants Rimini Street, Inc. and Seth Ravin ("Rimini") respectfully requests that the Court grant leave to file under seal portions of the Motion to Preclude Certain Damages Evidence Pursuant to Federal Rules of Civil Procedure 26(e)

1 and 37(c) and Exhibit M to the same. A public, redacted version of Motion to Preclude Certain  
 2 Damages Evidence was filed on May 18, 2015. Additionally, on May 18, 2015, the unredacted  
 3 version of Exhibit M was filed under seal.

4           The Protective Order provides that: “Counsel for any Designating Party may  
 5 designate any Discovery Material as “Confidential Information” and as “Highly Confidential  
 6 Information- Attorneys’ Eyes Only” under the terms of the Protective Order only if such counsel in  
 7 good faith believes that such Discovery Material contains such information and is subject to  
 8 protection under Federal Rule of Civil Procedure 26(c). The designation by any Designating Party of  
 9 any Discovery Material as “Confidential Information” or “Highly Confidential Information-  
 10 Attorneys’ Eyes Only” shall constitute a representation that an attorney for the Designating Party  
 11 reasonably believes there is a valid basis for such designation”. Protective Order at Paragraph 2.

12           The Court has “broad latitude” under Rule 26(c) “to prevent disclosure of materials  
 13 for many types of information, including, but not limited to, trade secrets or other confidential  
 14 research, development, or commercial information.” *Phillips v. Gen. Motors Corp.*, 307 F.3d 1206,  
 15 1211 (9th Cir. 2002) (citations omitted).

16           Sealing portions of the Motion to Preclude Certain Damages Evidence is requested  
 17 because the document contains information that Rimini has designated as “Highly Confidential  
 18 Information – Attorneys’ Eyes Only” under the terms of the Protective Order. This information  
 19 includes Rimini customer lists and information regarding Rimini’s technical operations that if  
 20 disclosed would competitively harm Rimini. Further, the motion contains portions of Oracle’s  
 21 damages expert report that Oracle has designated “Highly Confidential Information – Attorneys’  
 22 Eyes Only” under the terms of the Protective Order. This information includes financial information  
 23 regarding Oracle’s revenue generated from its maintenance support offerings that if disclosed would  
 24 competitively harm Oracle. The Protective Order provides that: “Counsel for any Designating Party  
 25 may designate any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential  
 26 Information – Attorneys’ Eyes Only’ under the terms of this Protective Order **only if such counsel**  
 27 **in good faith believes that such Discovery Material contains such information and is subject to**  
 28 **protection under Federal Rule of Civil Procedure 26(c).** The designation by any Designating

1 Party of any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information –  
2 Attorneys’ Eyes Only’ shall constitute a representation that an attorney for the Designating Party  
3 reasonably believes there is a valid basis for such designation.” Protective Order ¶ 2 (emphasis  
4 supplied).

5 A description of the Exhibit to be filed under seal referenced in this Motion to  
6 Preclude Certain Damages Evidence is included below:

- 7 1. Exhibits M consists of Elizabeth A. Dean’s expert damages report that has been  
8 designated “Highly Confidential Information – Attorneys’ Eyes Only” by Oracle.

9 Thus, in identifying the Motion to Preclude Certain Damages Evidence Exhibit which  
10 contain Confidential or Highly Confidential material, Rimini, as the designating party, contends that  
11 good cause exists for sealing Exhibit M.

12 Rimini has submitted all other portions of the Motion to Preclude Certain Damages  
13 Evidence as well as all other exhibits to the Motion to Preclude Certain Damages Evidence, for  
14 filing in the Court’s public files, which would allow public access to the filings except for the  
15 documents Rimini has designated as Highly Confidential. Accordingly, the request to seal is  
16 narrowly tailored.

17 For the foregoing reasons, Rimini respectfully requests that the Court grant leave to  
18 file portions of the Motion to Preclude Certain Damages Evidence and Exhibit M to the same under  
19 seal.

1 DATED: May 18, 2015

SHOOK, HARDY & BACON

2  
3 By: /s/ Robert H. Reckers

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 18th day of May, 2015, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, District of Nevada, using the electronic case filing system. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

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